

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL ACTION
 : :
 : NO. 03-00951-JF
 : :
JOHN HALL : (Criminal No. 99-644-01)

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 7, 2006

Petitioner, John D. Hall, was convicted in this court in the year 2000, and the conviction and sentence were upheld on direct appeal. He thereafter sought relief in this court under 28 U.S.C. § 2255. On October 31, 2005, I entered an order denying the motion, and declining to issue a certificate of appealability. Petitioner has filed a notice of appeal to the Third Circuit Court of Appeals (pending under Case No. 05-5099).

On November 8, 2005, petitioner filed with this court a "Motion to Alter or Amend Judgment." The government responded, correctly noting that the motion simply reiterated arguments which had already been squarely addressed and rejected by this court. On February 27, 2006, I entered an order denying the motion to alter or amend judgment. Petitioner Hall has now filed a "Motion for Relief from Order of February 27, 2006," asserting that he had not actually received a copy of the government's response to his earlier motion, and was thus deprived of the opportunity to file a reply to the government's response.

It is noteworthy that, in fact, the government's response to the earlier motion is accompanied by a certificate of service, asserting that a copy of the response was mailed to petitioner at his then location. Be that as it may, the present application must be rejected for the following reasons: (1) the February 27, 2006 Order was entered after considering petitioner's motion and the government's response; (2) petitioner did not have a right to file a "reply"; (3) as fully explained in this court's memorandum opinion accompanying the October 31, 2005 Order denying § 2255 relief, petitioner advanced no valid basis for challenging the conviction and sentence which had already been upheld on appeal; and (4) none of petitioner's various applications or motions can be regarded as having any conceivable merit.

For all of these reasons, petitioner's motion for relief from the order of February 27, 2006 must be denied.

An Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL ACTION
 : :
 : NO. 03-00951-JF
 : :
JOHN HALL : (Criminal No. 99-644-01)

ORDER

AND NOW, this 7th day of March 2006, upon consideration of petitioner John Hall's Motion for Relief from Order of February 27, 2006, IT IS ORDERED:

That the Motion is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.